UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,250	09/25/2003	Craig William Fellenstein	AUS920030536US1	8160

7590 08/12/2005	EXAMINER
Biggers & Ohanian, PLLC	WIN, AUNG T
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ART UNIT	PAPER NUMBER
2645	

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DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/671,250	FELLENSTEIN ET AL.
	Examiner	Art Unit	
	Aung T. Win	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 February 2005</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1, 3-8, 10-15, 17-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Akhteruzzaman et al. (US Publication Number: US 20030169857A1)

in view of Hirschberg et al. (US Publication Number: US 20030128820A1).

Regarding Claim 8, Akhteruzzaman discloses the voiceprint based voice

message screening system for retrieving voicemail [Summary]. Akhteruzzaman's

system comprises voice message system 102 for storing a voicemail message in which

at least a portion of the stored voice message is speech characteristic of a calling party

[Page 3, see Step 304, 305 & 306 in Paragraph 0017] (speech characteristic of a calling

party reads on a voiceprint of a calling party and voice message system 10 reads on

means for storing a voicemail message in association with a voiceprint of a calling

party); memory 114c for storing calling party tag in conjunction with speech

characteristic of calling party (reads on means for storing at least one calling party

speech tag in association with the voiceprint) [See Step 211 in Paragraph 0015];

speech analysis system 114A & voice recognition system 114B for identifying a calling

party who leaves a voice mail message based on the speech characteristic of the

calling party (speech analysis system 114A & voice recognition system 114B reads on

means for identifying a calling party who leaves a voicemail message, in dependence

upon the voiceprint). Akhteruzzaman also discloses that the user can screen [select] a

received voice mail message which has been identified by the calling party speech tag

[See Step 307 in Paragraph 0017] [See Step 308 on Paragraph 0018]. In other words,

Akhteruzzaman teaches selecting a voice message based on the calling party speech

tag.

Akhteruzzaman fails to teach the selecting of the identified voice message by a search

keyword although Akhteruzzaman further discloses a text-based calling party

identification for retrieving the identified voice message [Paragraph 0018, Lin 6-11].

Hirschberg discloses a system and method for voice mail processing implemented with

a search mechanism for searching the several messages [Abstract]. Hirschberg

discloses an entity extraction component of voice mail processor 30 [Figure 3] that

allows the user to extract the user-specified information summarization of the voice mail

messages [Paragraph 0021, Line 4-8] [Paragraph 0022, Line 3-6] to expedite text

searching in the messages [Paragraph 0006, Line 5-7] [Paragraph 0021, Line 3]

[Paragraph 0027] [Paragraph 0034 & 0035] (text searching reads on selecting a voice

message by a searched keyword and the user-specified information summarization of

the voice mail messages reads on storing at least one caller tag in association with the

voice mail messages).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Akhteruzzaman's voiceprint based voice message screening system with voice message search engine based a key word text as taught by Hirschberg by transcribing received voice message into text and searching by the keyword text. One of ordinary skill in the art would have been motivated to do this to have a voice mail system, which allows a subscriber to search the messages in an efficient and intuitive manner without having to sequentially listen to each of the voicemail messages [Paragraph 0004] [Paragraph 0005, Line 1-4] [Paragraph 003, Line 5-15].

Claim 1 is the method claim rejected for the same reason as Claim 8 rejection stated above because the claim's steps read on corresponding means of Claim 8.

Regarding Claim 10, Akhteruzzaman discloses the speech analysis system 114 to retrieve a least a portion of the voice message stored by the calling party to determine the speech characteristics of the calling party [See Step 305 in Paragraph 0017 on Page 3] [Figure 3] (retrieving speech characteristics of the calling party reads on extracting the voiceprint from voicemail).

Claim 3 is the method claim rejected for the same reason as Claim 10 rejection stated above because the claim's steps read on corresponding means of Claim 10.

Regarding Claims 11 & 12, Akhteruzzaman discloses that the subscriber (a voice

mail user) can assign a calling party tag for the voiceprint [See Step 208-211 in

Paragraph 0015] [Figure 2] by providing voice input or keypad operation of the

subscriber phone set (assigning a calling party tag reads on entering a caller speech

tag). Modified Akhteruzzaman [See Claim 8 rejection] would have converted any

speech and voice into text-based voice message searching system.

Claims 4 & 5 are the method claims rejected for the same reason as Claims 11 &

12 rejections stated above because the claim's steps read on corresponding means of

Claims 4 & 5.

Claim 13 is rejected for the same reason stated above in Claims 8 rejection

because the claim's means substantially read on the corresponding means of Claim 8.

Claim 6 is the method claim rejected for the same reason stated above in Claim

13 rejection because the claim's step read on the corresponding means of Claim 13.

Claim 14 is rejected for the same reason stated above in Claims 8 rejection

because the claim's means substantially read on the corresponding means of Claim 8.

Modified Akhteruzzaman's system can also provide a text version of voice message and

a text-based calling party identification [Paragraph 0018 of Akhteruzzaman].

Claim 7 is the method claim rejected for the same reason stated above in Claim

14 rejection because the claim's step read on the corresponding means of Claim 14.

Claims 15, 18, 19 & 20 are rejected for the same reason stated above in Claims

8 rejection because the claim's means substantially read on the corresponding means

of Claim 8. Modified Akhteruzzaman comprises a voice mail server 20 and database

storage 20 for storing voice messages and information associated to the respective

voice messages [Figure 1 of Hirschberg] [See Hirschberg, Paragraph 0018] (voice mail

server reads on a computer program product and database storage 20 reads on a

recording medium).

Claim 17 is rejected for the same reason as Claim 10 rejection stated above

because the claim's means substantially read on corresponding means of Claim 10.

2.   Claims 2, 9 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Akhteruzzaman et al. (US Publication Number: US 20030169857A1) in view of

Hirschberg et al. (US Publication Number: US 20030128820A1) as applied to claims 1,

8 & 15 above, and further in view of Yuschik et al. (US Publication Number: US

20020152078A1).

Regarding Claims 9 & 16, modified Akhteruzzaman fails to disclose a predefined

greeting for the voiceprint.

Yuschik teaches the voiceprint identification system to identify the calling party who

leaves a voice message and to allow the called party to retrieve only messages from a

selected caller [Paragraph 0049] [Figure 7]. Yuschik's voiceprint identification system

allows a caller to leave the caller's name for the voiceprint by separately prompting the

caller for his name and his message (reads on a predefined greeting) [Paragraph 0049,

Line 6-8].

Therefore, it would have been obvious to one of ordinary skill in the art to further modify

the storing of caller's voiceprint in Akhteruzzaman's voice-print based voice message

screening system by allowing a calling party to leave the caller's name as taught by

Yuschik's voiceprint identification system for efficiently identifying of calling party for

retrieving the messages according to the caller's name [Figure 8] [Paragraph 53].

Claim 2 is the method claim rejected for the same reason as Claim 9 rejection stated

above because the claim's steps read on corresponding means of Claim 9.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adelman et al.	US Patent Number:	US006631368B1
Bates et al.	US Patent Number:	US006741680B2
Belrose	US Publication Number:	US 20020191757A1
Boman et al.	US Patent Number:	US006895257B2
Cruickshank	US Patent Number:	US006823047B1
Jenkins et al.	US Patent Number:	US006778644B1
Kermani	US Patent Number:	US006697796B2
Kermani	US Patent Number:	US006567506B1
Lee et al.	US Patent Number:	US006661877B1
Lewis et al.	US Patent Number:	US006775651B1
Guedalia et al.	US Patent Number:	US006907112B1
Guedalia et al.	US Patent Number:	US006807254B1
Seibel et al.	US Publication Number:	US 20030002643A1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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Aung T. Win
Group Art Unit 2645
August 1, 2005
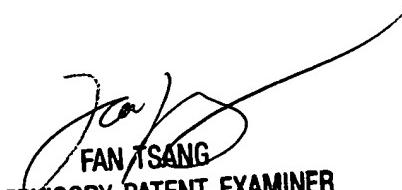
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